

STAND. COM. REP. NO.

2485

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2052  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2052 entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Land and Natural Resources to license non-commercial marine fishing;
- (2) Combine the licensure requirements for freshwater game fishing with marine fishing and apply the license to non-commercial freshwater game fishing and marine fishing;
- (3) Include as an expenditure from the sport fish special fund the acquisition of small boat harbors for public fishing or fishery management and enforcement activities specific to fish and other aquatic life conservation;
- (4) Require the Department of Land and Natural Resources to engage in robust public outreach prior to implementation of the non-commercial marine fishing license; and
- (5) Require the Department of Land and Natural Resources to submit a report to the Legislature prior to the



convening of the Regular Sessions of 2019 and 2020 regarding certain information relating to non-commercial freshwater and marine fishing licenses.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, The Nature Conservancy, and one individual. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs and three individuals.

Your Committee finds that of the twenty-three coastal states in the United States, Hawaii is the only state that does not require a non-commercial marine fishing registry, permit, or license. Unlike commercial marine fishing, there is very limited data available about the non-commercial marine fishing activity that occurs in Hawaii, including the number of fishers, type and amount of species caught, and uses of the marine life. By combining the licensure requirements for non-commercial freshwater game fishing with non-commercial marine fishing, this measure establishes a more effective system to oversee fishing and provides a means for the State to effectively manage the use of its saltwater fisheries for non-commercial purposes.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of Land and Natural Resources that:
  - (A) Inserts language in the purpose section to clarify that the Department of Land and Natural Resources may issue short-term freshwater and marine noncommercial fishing licenses, such as one- or seven-day fishing licenses;
  - (B) Removes section 2, which amends section 187A-9.5, Hawaii Revised Statutes, in order to leave the sport fish special fund unamended and thereby avoid the potential of jeopardizing federal funding associated with this special fund;



- (C) Requires, rather than authorizes, agents of the Department of Land and Natural Resources to issue non-commercial fishing licenses upon written application and payment of a fee; and
  - (D) Allows the Department of Land and Natural Resources to suspend, in addition to revoke, any non-commercial fishing license for any infraction of the terms and conditions of the license, to provide the Department greater flexibility and discretion in dealing with violators;
- (2) Changing the time period for the resident fee cap of a combined non-commercial fishing license from August 1, 2019, through June 30, 2021, to June 1, 2020, through May 31, 2023;
  - (3) Changing the resident fee cap for a combined non-commercial fishing license from \$15 to \$5 per year;
  - (4) Making any licensee or applicant who has been convicted of, pled guilty or nolo contendere to, or been granted a deferred acceptance of a guilty plea to a violation of chapter 188, Hawaii Revised Statutes, in the preceding five years ineligible to obtain or renew a non-commercial fishing license;
  - (5) Adopting the language suggested by the Office of Hawaiian Affairs that:
    - (A) Requires the rules adopted to implement the non-commercial fishing licensure program to allow for the exercise of Native Hawaiian traditional and customary practices by minimizing any burden on practitioners, and requires this exercise of practices to be a complete defense to a violation of the requirements of a non-commercial fishing license;
    - (B) Requires the Department of Land and Natural Resources to consider and ensure reasonable opportunities for all residents who apply for a non-commercial fishing license to ensure that



persons do not face disproportionate and unreasonable burdens in complying with the fishing licensure requirements; and

- (C) Under the requirement that the Department of Land and Natural Resources engage in robust public outreach, requires the Department to include at least one meeting on each of the seven inhabited islands of the State;
- (6) Establishing that a violation of section 188-50, Hawaii Revised Statutes, is a petty misdemeanor, except for a violation of the prohibition on fishing, taking, or catching freshwater game fish or marine life for non-commercial purposes without first obtaining a non-commercial fishing license, which is a misdemeanor;
- (7) Further extending the delayed enforcement date for the requirement to obtain a non-commercial fishing license to catch marine life to June 1, 2020; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2052, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2052, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



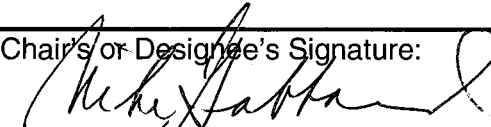
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KARL RHOADS, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2052	WTL, WAM	JAN. 31, 2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUYE, Lorraine R.				✓
RIVIERE, Gil	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes